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band to the plaintiff in bar of recovery. *Darbrinsky v. Pennsylvania Co.*, 94 Atl. 269 (Pa.).

It is disputed whether the contributory negligence of a beneficiary will defeat the recovery under a death statute by the administrator for the estate. *McKay v. Syracuse Rapid Transit Ry. Co.*, 208 N. Y. 359, 101 N. E. 885. *Contra, Richmond, etc. R. Co. v. Martin's Adm'r*, 102 Va. 201, 45 S. E. 894. It is clear, however, that a negligent beneficiary cannot recover in his own right. *Indianapolis Street Ry. Co. v. Antrobus*, 33 Ind. App. 663, 71 N. E. 971; *Johnson v. Reading City Ry. Co.*, 160 Pa. St. 647, 28 Atl. 1001. Therefore, if the negligence of the dead husband can be imputed to the plaintiff in the principal case, she is properly barred. But negligence can ordinarily be imputed only with agency or, as some courts add, such an identity of interest as certain family relations create. See *Little v. Hackett*, 116 U. S. 366, 371. Now the marital relation does not create an agency to take care of the children. *Macdonald v. O'Reilly*, 45 Ore. 589, 78 Pac. 753. Again, the wife's estate has become under the modern law so distinct from that of her husband that to-day the identity of interest on which the imputation was rested no longer exists. *Louisville, etc. Co. v. Creek*, 130 Ind. 139, 29 N. E. 481. See *Phillips v. Denver City Tramway Co.*, 53 Col. 458, 468, 128 Pac. 460, 464. Hence, especially when, as in the principal case, all chance of the action being a roundabout recovery by the husband, is destroyed by his death, it seems unfortunate that his negligence should be imputed to his innocent wife.

CRIMINAL LAW — CONSPIRACY — PARTICIPATION OF DETECTIVES. — The defendants were indicted under U. S. COMP. STATS. 1913, § 10201, for conspiring to bring Chinese into the United States unlawfully. Government detectives had suggested and urged the conspiracy, promising governmental protection, in order to place the principal defendant in a position where to avoid prosecution he could be forced to disclose the suspected criminal acts of other Chinese. *Held*, that a conviction is improper. *Woo Wai v. United States*, 223 Fed. 412 (C. C. A., 9th Circ.).

An attempt to commit a crime is indictable even though it was impossible to consummate the crime because of an unknown circumstance. *Commonwealth v. Kennedy*, 170 Mass. 18, 48 N. E. 770; *People v. Gardner*, 144 N. Y. 119, 38 N. E. 1003. See CLARK, CRIMINAL LAW, 2 ed., 130; Beale, "Criminal Attempts," 16 HARV. L. REV. 491, 496. In this respect a statutory conspiracy to commit a crime seems analogous to an attempt. Thus the acts of the defendant in the principal case are clearly an indictable offence. But the trend of authority seems to be toward allowing the defendant, in a case where the crime is first suggested and planned by a government agent, to set that fact up as a bar to conviction. *Woodworth v. State*, 20 Tex. App. 375. See *United States v. Adams*, 59 Fed. 674, 676. See 18 HARV. L. REV. 65. However, it is submitted that instigation and encouragement by a detective cannot excuse a defendant who has committed an offence against the state. If it is desired to put a wholesome check on the unfortunate practices of unscrupulous detectives, it is better to forbid such practices by statute rather than to entertain a doctrine that would permit a man to commit murder with impunity provided the act were suggested and encouraged by a detective.

DIVORCE — ALIMONY — RIGHT OF PERSONAL REPRESENTATIVE OF DECEASED WIFE TO RECOVER FOR ARREARS. — In an action for arrears of alimony against the estate of her deceased husband, the widow died at the determination of the appeal in the Appellate Division. *Held*, that her executor may be substituted in her place. *Van Ness v. Ransom*, 109 N. E. 593 (N. Y.).

Alimony represents in concrete form the husband's duty to support his wife. Originally it was allowed only in cases of divorce *a mensa et thoro*, since a divorce *a vinculis* was never granted except for causes arising before the